

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

VICTOR VERA VIGIL,

Plaintiff

VS.

SUPERIOR COURT OF DOOLY CO.,
Judge WHITFIELD FORRESTER, and
STATE OF GEORGIA,

Defendants

NO. 5:06-cv-209(CAR)

ORDER

Plaintiff **VICTOR VERA VIGIL** has filed a motion in which he asks this Court to reconsider its order dated July 10, 2006 (Tab # 6). The Court's July 10th order dismissed pursuant to 28 U.S.C. § 1915(e)(2) plaintiff's lawsuit because: (1) plaintiff sued improper defendants (State of Georgia and the Dooly County Superior Court); (2) Judge Whitfield Forrester is entitled to absolute judicial immunity for monetary damages; and (3) this Court is without power or ability to compel Judge Forrester to provide plaintiff with free transcripts of his criminal trial.

In his motion to reconsider, plaintiff reiterates his request this Court compel Judge Forrester to provide plaintiff with free transcripts of his criminal trial and further requests permission to file an out-of-time appeal.

As this Court explained in its July 10th order, this Court lacks subject matter jurisdiction to compel the Dooly County Superior Court to provide plaintiff with free transcripts. *See Moye v. Clerk, DeKalb County Superior Court*, 474 F.2d 1275, 1275-76 (5th Cir.1973). Similarly, this

Court has no jurisdiction to compel a state court to allow plaintiff to file an out-of-time appeal.

Section 1983 is not a vehicle for “collateral review of state court judgments.” *Sibley v. Lando*, 437

F.3d 1067, 1070-71 (11th Cir. 2005).

In light of the above, plaintiff’s motion to reconsider is **DENIED**.

SO ORDERED, this 2nd day of August, 2006.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

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